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Attorney for Defendant KENNETH BASH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH BASH, et al.

Defendants.

No. 1:20-cr-0238 JLT SKO

**DEFENDANT KENNETH BASH'S REPLY TO
GOVERNMENT OPPOSITION TO
DISCOVERY MOTION FILED BY FRANCIS
CLEMENT**

Date: August 30, 2023
Time: 1:00 p.m.
Place: Hon. Sheila K. Oberto
Courtroom 7

Defendant Kenneth Bash submits this reply to the government's opposition to the discovery motion filed by co-defendant Francis Clement. Mr. Bash has joined in the discovery motion of Mr. Clement seeking Brady/Giglio material and the identity of each witness to the crimes charged.

The government's continued reliance on the Jencks Act and upon FRCP Rule 16(a)(2), incorporating that Act, is inapposite to the issues at hand. Mr. Bash is not seeking Jencks Act statements of witnesses.

There is a general right to discovery of Brady/Giglio evidence in the possession of the prosecutor (United States v. Price (9th Cir., 2009) 566 F.3d 900 at 907-908).

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1 The government's fall-back position to providing impeachment evidence of its witnesses
2 is that it will disclose their identities. These people are going to have to testify at trial in any
3 event, unless the defendants settle their cases without ever knowing the factual basis for their
4 prosecution of the violent crimes charged.

5 Here, Mr. Bash was in prison when the Alabama attempted robbery he is accused of
6 occurred and when the arson he is accused of occurred.

7 He joins in the request for criminal records of, and the identity of his alleged violent crime
8 witnesses and/or conspirators, and related information detailed in Mr. Clement's motion at
9 Document 633, pages 14-19, Items Q, R, and S at page 22, and Items V and X at page 23.

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11 Dated: July 20, 2023

Respectfully submitted,

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14 /s/ W. Scott Quinlan
15 W. Scott Quinlan, Attorney for Defendant
16 KENNETH BASH
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